

CITY OF AUSTIN ETHICS REVIEW COMMISSION

MARY RUDIG
Complainant

v.

BECKY BRAY
Respondent.

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Complaint No. 20141001

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On October 1, 2014, Mary Rudig (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Becky Bray (“Respondent”). On October 1, 2014, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), the Complainant, and the Respondent.

On October 3, 2014, Respondent submitted a Response to the Complaint (“The Response”) that included a statement to the Commission, a “Correction/Amendment Affidavit” revising an earlier filed C/OH contribution and expenditure report, and a newly filed Schedule ATX.2 report of “Personal Funds, Loans and Expenditures.”

On October 16, 2014, Commission Staff Liaison and City of Austin Assistant City Attorney Cynthia Tom (“Tom”) issued a Notice of Preliminary Hearing, setting a Preliminary Hearing of the Commission for October 28, 2014 and advising the Respondent and Complainant of procedures for the preliminary hearing.



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On October 23, 2014, Tom issued a Revised Notice of Preliminary Hearing resetting the location of the Preliminary Hearing to City Hall, Room 2005.

On October 22, 2014, Respondent's representative requested a postponement of the October 28 Preliminary Hearing date. On October 28, 2014, Respondent's representative withdrew the request for a postponement.

On October 24, 2014, Tom posted a Notice of Regular Meeting and Agenda for the Commission for an October 28 Preliminary Hearing.

II. FINDINGS OF FACT

1. Respondent is a candidate for Austin City Council, District 8, in the City of Austin municipal election of November 4, 2014.
2. Complainant alleges that Respondent violated Article III, Section 8(A) of the Austin City Charter ("Article III, Section 8(A)") by accepting a political contribution in excess of the amount permitted by law.
3. Complainant alleges that Respondent violated Section 2-2-27 of the Austin City Code ("Section 2-2-27") by failing to timely report a loan that she made to her own campaign on June 28, 2014.
4. At the Preliminary Hearing of October 28, Complainant appeared personally and Respondent appeared through a personal representative, Mr. Terry Bray.



III. CONCLUSIONS OF LAW

1. The October 28 Meeting of the Commission and the Preliminary Hearing in this Complaint are properly noticed in accordance with Chapter 2-7 of the City Code, the Ethics and Financial Disclosure Ordinance (“Chapter 2-7”), and the Texas Open Meetings Act.
2. The Commission has jurisdiction over complaints alleging violations of Chapter 2-2 of the City Code (Campaign Finance); Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures); Chapter 2-7 of the City Code (Ethics and Financial Disclosure); Section 2-1-24 of the City Code (Conflict of Interest and Recusal); and Chapter 4-8 of the City Code (Regulation of Lobbyists).
3. The Complaint alleges a violation of Chapter 2-2 and a violation of Article III, Section 8.
4. Under Section 2-7-44 of the City Code, (“Section 2-7-44”) Respondent is not required to attend or make any statement at a preliminary hearing. Complainant and Respondent were each afforded an opportunity to appear at the Preliminary Hearing in accordance with Chapter 2-7.
5. Under Section 2-7-44, the issue to be considered by the Commission at a preliminary hearing is the existence reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred.



6. Under Section 2-7-44, at any time during a preliminary hearing, the Commission may dismiss a complaint if it does not allege conduct which would be a violation of a provision within the jurisdiction of the Commission.
7. At the Preliminary Hearing, Respondent's representative admitted that the actions and omissions stated in the Complaint were violations of Section 2-2-27 and of Article III, Section 8.
8. When a respondent admits to the occurrence of a violation, the Commission may proceed directly to determinations and decisions on referrals and/or sanctions.

IV. DETERMINATIONS OF THE ETHICS REVIEW COMMISSION

1. The Commission determines that reasonable grounds exist to believe that a violation of a provision within the jurisdiction of the Commission has occurred as a result of the actions or omissions set out in the Complaint with respect to the Respondent's alleged acceptance of a contribution in excess of the amount permitted by law. Based on Respondent's admissions, the Commission further determines that a violation of Article III, Section 8, occurred.
2. The Commission determines that reasonable grounds exist to believe that a violation of a provision within the jurisdiction of the Commission has occurred as a result of the actions or omissions set out in the Complaint with respect to the Respondent's alleged non-disclosure of a personal loan that she made to her



campaign account. Based on the Respondent's admissions, the Complainant further determines that a violation of Section 2-2-27 did occur.

3. The Commission determines that the appropriate sanction is a letter of admonition.

V. PROSECUTION RECOMMENDATION & SANCTIONS

1. The Commission recommends that the violation not be prosecuted.
2. The Commission authorizes the Chair to prepare and send a letter of admonition to Respondent stating the Commission's determination that the violations were minor and may have been unintentional, noting that they were quickly remedied, and admonishing Respondent to pay careful attention to all filing and disclosure requirements and contribution limits in the Austin Fair Campaign Chapter.

ORDERED as of this 28th day of October, 2014.



Austin Kaplan
Chair, Ethics Review Commission



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